

**NOT FOR PUBLICATION**

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

In the Matter of C.G.,

Petitioner,

v.

Niurka Gonzalez,

Respondent.

Case No. 17-cv-12179-SDW-LDW

**ORDER FOR PROVISIONAL  
REMEDIES: 22 U.S.C. § 9004(a)**

**APPOINTMENT OF  
COUNSEL FOR THE CHILD**

March 14, 2018

**WIGENTON**, District Judge.

Upon the Amended Petition and Verified Complaint by Petitioner Emeric Gerval (“Petitioner”) dated December 5, 2017 (ECF No. 4), the Declaration of Petitioner’s counsel, Robert D. Arenstein, dated January 8, 2018 (ECF No. 9-1) in furtherance of the Order to Show Cause entered by this Court on January 18, 2018 (ECF No. 11); and this Court having found that the following provisional measures are necessary pursuant to 22 U.S.C. § 9001 *et seq.*;

**IT IS** on this 14<sup>th</sup> day of March, 2018,

**ORDERED** that pursuant to 22 U.S.C. § 9004(a) governing the authority of the courts in International Child Abduction cases under the Hague Convention on the Civil Aspects of International Child Abduction, and guided by Federal Rule of Civil Procedure 17(c), this Court appoints Patricia E Apy, of Paras, Apy, Reiss, PC, located at 2 Bridge Avenue, Ste. 601, Red Bank, NJ 07701 (732-219-9000), to serve this Court as Law Guardian for the minor child C.G.; it is further

**ORDERED** that all of the services rendered by the Law Guardian shall be to this Court on behalf of the child. The Law Guardian shall conduct such interviews and investigations as she may deem necessary and relevant, and shall file any pleadings on behalf of the child's interest, including but not limited to, defenses or applications for further preventative measures. The Law Guardian should ensure that facts and arguments relevant to the disposition of the case, and which are therefore critically relevant to the child's interests, are brought to the Court's attention; it is further

**ORDERED** that the term of this appointment shall be coextensive with the above-captioned matter and the exercise of jurisdiction by this Court. The Law Guardian shall have no obligation to file a Notice of Appeal at the conclusion of the District Court's determinations, unless the appointment is continued upon application made or *sua sponte* Order of this Court; it is further

**ORDERED** that both parties shall share any necessary costs reasonably associated with the Law Guardian's legal representation in this matter. Costs shall include translation fees, authentication or legalization fees, deposition costs, toll charges, local travel expenses or other necessary expenses. The parties will forthwith reimburse counsel upon submission of amount incurred; it is further

**ORDERED** that at the conclusion of this Court's determination the Law Guardian shall submit a Certification of her services for consideration of the amount or extent of counsel fees to be awarded, if any, and the allocation of such fees to be given by this Court in keeping with 22 U.S.C. § 9007; it is further

**ORDERED** that the Law Guardian shall file any responsive pleadings they intend to file to the Petitioner's Amended Petition and Verified Complaint on or before April 3, 2018.

The Petitioner and Respondent shall submit any reply papers to the Law Guardian's pleadings on or before April 13, 2018. The matter will be set for hearing on a date to be set; it is further

**ORDERED** that pending the final disposition of the above-captioned matter, Petitioner and Respondent shall, in consultation with the Law Guardian, make arrangements and conditions to exercise reasonable parental access within the jurisdiction of this Court, if requested; it is further

**ORDERED** that in the event of a failure to confirm agreeable time for access, the parties and Law Guardian may submit, in the form of correspondence to the Court, their proposals for interim access; and it is further

**ORDERED** that Petitioner, Respondent, and the Law Guardian will communicate regarding arrangements to conduct discovery, if any. In the event that either party wishes to address a discovery dispute or requires a protective order with regard to the same, it can be addressed by correspondence to the Court.

s/ Susan D. Wigenton  
**SUSAN D. WIGENTON**  
**UNITED STATES DISTRICT JUDGE**

Orig: Clerk  
cc: Hon. Leda D. Wettre, U.S.M.J.  
Parties